REMARKS

Claims 1-65 were pending in the subject application and have been examined on the merits. Claims 1, 15, 28, 32, 39 and 53 have been amended hereinabove. Thus claims 1-65 are currently pending. No new matter has been added.

Support for the amended claims can be found in the Specification (*e.g.*, page 19, line 21 to page 20 line 12).

The Specification has been amended herein to update the information of the cross referenced applications.

In the Office Action, the Examiner objected to the Specification and to the claims requesting a replacement with proper spacing and font. Applicant includes herein a substitute specification and substitute claims to comply with the Office Action.

In addition, claims 19 and 32 were objected to because of informalities. Regarding claim 19, Applicant points out that the word "crocking" is a term of art which cannot be replaced by "cracking." "Crocking" is the transfer of color from a fabric onto another white fabric. Claim 32 has been amended as requested by the Office Action. Accordingly the withdrawal of the objections to the specification and to the claims is respectfully requested.

Further, claims 1-12, 15-26, 28-37, 39-51 and 53-64 were rejected under 35 U.S.C. § 102(b) as being anticipated by Chan (US Patent No. 6,342,952, hereinafter "Chan") and claims 13-14, 27, 38, 52 and 65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chan in view of Chan.

Applicant respectfully traverses these rejections. For the reason set forth below, it is submitted that Chan does not anticipate and does not render obvious the pending claims.

Rejection under 35 U.S.C. § 102(b)

In the Office Action, claims 1-12, 15-26, 28-37, 39-51 and 53-64 were rejected under 35 U.S.C. § 102(b) as being anticipated by Chan. Applicant respectfully traverses this rejection. Chan discloses a method for color matching color printing inks (*e.g.*, col. 1, lines 47-53).

Claims 1, 15, 28, 32, 39 and 53 have been amended herein to include a limitation that incorporates the step of halting and notifying a user if the method is incapable of matching the ink formula with the ink performance for the specific printing job.

This step is not disclosed or suggested in Chan. On the contrary, Chan discloses a system for predicting an ink formula that will always match a color standard, regardless of whether or not such ink product meets the ink performance for the specific printing job (*e.g.*, col. 7, lines 50-52).

For example, Figure 1 in Chan presents a schematic of Chan's printing ink color matching process. The schematic fails to disclose a step whereby Chan's system halts the process and notifies a user of any unsuitability of ink performance for the specific printing job.

In Figure 1, Chan discloses the step 22 software C "Calculates & Search for Close Color Match Using Stored Database," after which it discloses the step of "Approved match formulas are downloaded to automated dispensing equipment for manufacturing of inks."

In other words, Chan discloses that once the software matches a color with a formula, the formula is used for manufacturing the corresponding ink regardless of whether the ink is appropriate for the specific printing job.

In order to be anticipatory, a reference must describe "each and every element" with the condition that, "the identical invention must be shown in as complete detail as is contained in the claim." MPEP 2131.

Since Chan's method does not disclose the step of halting and notifying a user, which is now included in Applicant's claims, Chan fails to meet the criteria of an anticipatory reference.

Accordingly, for the reason set forth above, the subject matter of the instant claims are not disclosed in Chan and reconsideration and withdrawal of the rejection of claims 1-12, 15-26, 28-37, 39-51 and 53-64 under 35 U.S.C. § 102(b) as being anticipated by Chan is respectfully requested.

Rejection under 35 U.S.C. § 103(a)

In the Office Action, claims 13-14, 27, 38, 52 and 65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chan in view of Chan. Applicant respectfully traverses this rejection.

In order for the claims of the instant application to be obvious in light of the teaching of the cited reference the prior art reference must teach or suggest all the claimed limitations. MPEP 2143.03.

In addition, if an independent claim is non obvious under 35 U.S.C. § 103, then any claim depending therefrom is non obvious. *In re Fine*, 837 F2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Accordingly, as Chan does not disclose, teach or suggest all of the limitations of Applicant's amended claims 1, 15, 32, 39 and 53, Chan cannot render obvious their dependent claims 13-14, 27, 38, 52 and 65.

As such, for the reason set forth above, claims 13-14, 27, 38, 52 and 65 are not unpatentable over Chan and withdrawal of their rejection under 35 U.S.C. § 103(a) is respectfully requested.

Conclusion

Applicant submits that all of the pending claims are now in condition for allowance and a Notice to that effect is respectfully requested.

If this *Amendment and Response* does not otherwise result in the issue of such Notice, the Examiner is respectfully invited to contact the Applicant's undersigned counsel for an interview.

No extra fee is believed to be due for the filing of this *Amendment and Response*. However, the Director is hereby authorized to charge all fees due, and credit any overpayments, to Deposit Account No. 50-0540.

Respectfully submitted,

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